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10/635,819

08/06/2003

Curtis Reese

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04/29/2008

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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER

KAU, STEVEN Y

ART UNIT

PAPER NUMBER

2625

NOTIFICATION DATE

DELIVERY MODE

04/29/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM  
mkraft@hp.com  
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|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/635,819 | <b>Applicant(s)</b><br>REESE ET AL. |  |
|                              | <b>Examiner</b><br>STEVEN KAU        | <b>Art Unit</b><br>2625             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to the Applicant's Amendment filed on March 24, 2008.  
Claims 1, 6, 12 and 17 have been amended, and claims 1-20 are currently pending.

### ***Response to Arguments***

1. Applicant's arguments, see after final argument, filed 3/25/2008, with respect to the rejection(s) of claim(s) 1-20 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Alattar.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Alattar et al (Alattar) (US 7,020,304).

Regarding claim 1.

Alattar discloses an image database (**e.g. database providing pertinent information, Fig. 6 & col 10, lines 10-36**) of one or more advertising images (**e.g. col 10, line 50 through col 11, line 23**) stored on a computer-readable medium (**e.g. tangible medium, col 22, lines 63-64**), each image having a plurality of associated layers of metadata (**col 8, lines 12-54**), wherein the computer system (**e.g. Fig 7**) is adapted to embed each associated layer of metadata as one or more computer-readable data values (**e.g. embedding calibration signal and ID, etc.**) in a separate steganographic sub- watermark of a steganographic watermark of the advertising image (**Figs. 2 & 7, col 6, lines 15-38**).

Regarding claim 2.

Alattar discloses wherein the database is adapted to associate the layers of metadata with each image dynamically (**col 8, lines 13-36**).

Regarding claim 3.

Alattar discloses wherein the database is adapted to dynamically associate the layers of metadata with one or more images in response to one of a user ID of the image requester (**col 10, lines 10-36**), a location input (**e.g. distributor ID, col 10, lines 10-16 & Tables 1 & 2**), a business relationship characteristic of the image requester (e.g. advertiser and publisher, etc. col 9, lines 1-4), a promotion type input, and a language input (**col 9, lines 5-25**).

Regarding claim 4.

Alattar discloses wherein the database is adapted to selectively update the images and/or associated layers of metadata in response to vendor input (col 9, lines 14-25).

Regarding claim 5.

Alattar discloses wherein the database is adapted to search the images and/or associated layers of metadata in response to one of a query input by a user, a user ID of the image requestor, a location, a business relationship, a promotion type, and a language input (**e.g. database used for advertisement implies that database is adapted to search images, input from user, ID, location, relationship promotion type and language, and so on; col 10, lines 50-62**).

Regarding claim 6.

Claim 6 recites identical features as claim 1, except claim 6 is a method claim. Thus, arguments similar to that presented above for claim 1 are also equally applicable to claim 6.

Regarding claim 7.

Alattar discloses wherein selecting an advertising image further comprises selecting an advertising image in response to a query by one of an advertiser and a publisher (col 11, line 61 through col 12, line 9).

Regarding claim 8.

Alattar discloses wherein selecting two or more layers of metadata associated with the selected image further comprises selecting two or more pre-generated layers of metadata associated with the selected image (col 8, lines 4-29).

Regarding claim 9.

Alattar discloses wherein selecting two or more layers of metadata associated with the selected image further comprises selecting two or more dynamically generated layers of metadata (col 10, lines 50-62).

Regarding claim 10.

Alattar discloses selecting two or more dynamically generated layers of metadata further comprises selecting two or more dynamically generated layers of metadata utilizing one of a user ID of an image requestor, a location input, a business relationship characteristic of an image requestor, a promotion type, and a language type (e.g. **database used for advertisement implies that database is adapted to search images, input from user, ID, location, relationship promotion type and language, and so on; col 10, lines 50-62 & news broadcasting must contain dynamically generated layers of metadata, col 12, lines 36-63**).

Regarding claim 11.

Claim 11 recites identical features as claim 4, except claim 11 is a method claim. Thus, arguments similar to that presented above for claim 4 are also equally applicable to claim 11.

Regarding claim 12.

Claim 12 recites identical features as claim 1, except claim 12 is a method claim. Thus, arguments similar to that presented above for claim 1 are also equally applicable to claim 12.

Regarding claim 13.

Alattar discloses wherein selecting an advertising image and two or more layers of metadata associated with the selected image from the advertising image repository further comprises selecting an advertising image and two or more layers of pro-generated metadata associated with the selected image from the advertising image repository (e.g. selling items through web in that an image must link to an image repository, col 10, lines 50-62).

Regarding claim 14.

Alattar discloses wherein selecting an advertising image and two or more layers of metadata associated with the selected image from the advertising image repository further comprises selecting an advertising image and two or more layers of dynamically generated metadata associated with the selected image from the advertising image repository (col 10, lines 50-62).

Regarding claim 15.

Claim 15 recites identical features as claim 10. Thus, arguments similar to that presented above for claim 10 are also equally applicable to claim 15.

Regarding claim 16.

Claim 16 recites identical features as claim 4, except that claim 16 is a computer-readable medium claim. Thus, arguments similar to that presented above for claim 4 are also equally applicable to claim 16.

Regarding claim 17.

Claim 17 recites identical features as claim 1, except that claim 17 is a method claim. Thus, arguments similar to that presented above for claim 1 are also equally applicable to claim 17.

Regarding claim 18.

Alattar discloses wherein selecting an image from a repository further comprises selecting an advertising image from a database (col 10, lines 50-62).

Regarding claim 19.

Claim 19 recites identical features as claim 8, except that claim 19 is a method claim. Thus, arguments similar to that presented above for claim 8 are also equally applicable to claim 19.

Regarding claim 20.

Claim 20 recites identical features as claim 9, except that claim 20 is a method claim. Thus, arguments similar to that presented above for claim 9 are also equally applicable to claim 20.



***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Kau whose telephone number is 571-270-1120 and fax number is 571-270-2120. The examiner can normally be reached on M-F, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Steven Kau/  
Examiner, Art Unit 2625  
4/14/2008

/King Y. Poon/  
Supervisory Patent Examiner, Art  
Unit 2625